



## State of New Jersey

Jon S. Corzine  
Governor

Department of Environmental Protection

Mark N. Mauriello  
Acting Commissioner

JUN 22 2009

Christopher Anderson, Director  
LE Carpenter  
33587 Walker Road  
Avon Lake, OH 44012

Re: L E Carpenter  
170 North Main St  
Wharton, Morris County, New Jersey  
PI# 003017

Dear Mr. Anderson:

This letter is in regard to the U.S. Environmental Protection Agency's (EPA's) letter dated July 30, 2008, where LE Carpenter (LEC)/Poly One Corporation (Poly One) was advised that EPA was assuming lead oversight responsibility with regard to the monitored natural attenuation (MNA) evaluation of the site-wide groundwater and the efforts related to addressing the residual soil contamination at the site. It is the New Jersey Department of Environmental Protection's (DEP's) understanding that LEC/Poly One has expressed some concerns about inconsistent or duplicative requirements from the two agencies as a result of the change in lead oversight responsibilities. It is not the intent of the agencies to impose duplicative requirements on LEC/Poly One, but LEC/Poly One's responsibilities to each agency will change as EPA assumes the lead oversight role.

Currently, pursuant to the DEP Administrative Consent Order (ACO), LEC/Poly One submits the required documents to DEP and copies are provided by LEC/Poly One to EPA. All comments, including those from EPA, deficiencies and approvals are provided to LEC/Poly One from DEP. As the lead agency changes from DEP to EPA, LEC/Poly One will be required to submit documents to EPA that conform to EPA's rules, regulations and guidance and to provide copies of those same documents to DEP. DEP will still review the documents for consistency with DEP remediation requirements, but will provide any comments to EPA. All comments, including those from DEP, deficiencies and approvals would then be provided to LEC/Poly One by EPA.

Provided that LEC/Poly One conducts the required work in accordance with the Unilateral Administrative Order (UAO) that EPA intends to issue to LEC/Poly One, DEP will hold in abeyance all ACO requirements pertaining to the LE Carpenter site, except that DEP will continue to require reimbursement of oversight costs related to all aspects of the site. In addition, since EPA's requirements for the establishment of a Remedial

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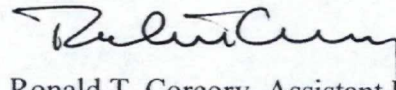


Funding Source (RFS) have not been determined, DEP is unable to comment on the need to continue to maintain a RFS pursuant to the ACO. Additionally, any requirements of the ACO that are not considered to be applicable or relevant and appropriate requirements ("ARARs") by EPA must be addressed by LEC/Poly One.

Should LEC/Poly One fall out of compliance with the UAO, or the site once again becomes a state-lead site subject to DEP oversight, all ACO requirements will once again be in effect, and the DEP will enforce the terms of the ACO.

I believe this information will be useful in LEC/Poly One's decision regarding its intent to comply with EPA's UAO. If you have any further questions regarding this matter, please contact Glenn Savary at 609-633-0835 or electronically at [glenn.savary@dep.state.nj.us](mailto:glenn.savary@dep.state.nj.us).

Sincerely,



Ronald T. Corcory, Assistant Director  
Enforcement and Assignment Element

cc: Patricia Simmons Pierre, USEPA  
Frances Zizila, USEPA  
Richard Hahn, LEC/Poly One  
Glenn Savary, BCM